GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – Revenue Department – Sri.K.Subbarao, Former Superintendent, F-Section, Collector's Office, Visakhapatnam and presently working as Commissioner, Kakinada Urban Development Authority – Allegations of tampering of Revenue Records in respect of the lands of Madhurawada, Kommadi and Paradesivaripalem villages in Visakhapatnam Rural, which were assigned to the landless poor and were subsequently resumed to the Government by the MRO, Visakhapatnam Rural Mandal, in collusion with land Mafia and tampered the records of 10(1) Register and Collectorate's Register–Disciplinary proceedings under rule–20 of Andhra Pradesh Civil Services (Classification Control &Appeal) Rules,1991– Articles of charge – Issued.

REVENUE (VIGILANCE-I) DEPARTMENT

G.O.Rt.No.506 **Dated:25.05.2023**

G.O.Ms.No.223, Revenue (Vigilance. I) Dept., Dt:25 05.2023

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ORDER:

In pursuance to the G.O read above, it is proposed to hold an enquiry against Sri.K.Subbarao, Former Superintendent, F-Section, Collector's Office, Visakhapatnam and presently working as Commissioner, Kakinada Urban Development Authority in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure- I). A statement of imputations of misconduct / misbehaviour in support of each article of charge is enclosed (Annexure-II). A list of documents by which, and a list of witnesses by whom, the articles of charge proposed to be sustained are also enclosed (Annexures-III)

3. Sri.K.Subbarao, Former Superintendent, F-Section, Collector's Office, Visakhapatnam and presently working as Commissioner, Kakinada Urban Development Authority is directed to submit, within 10 days from the date of receipt of this order, a written statement of her defence.

4. Sri.K.Subbarao, Former Superintendent, F-Section, Collector's Office, Visakhapatnam and presently working as Commissioner, Kakinada Urban Development Authority is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. She should, therefore, specifically admit or deny each article of charge.

5. Sri.K.Subbarao, Former Superintendent, F-Section, Collector's Office, Visakhapatnam and presently working as Commissioner, Kakinada Urban Development Authority is further informed that if he does not submit his written statement of defence on or before the date specified in para 3 above, further action will be processed based on the material available.

6. Attention of Sri.K.Subbarao, Former Superintendent, F-Section, Collector's Office, Visakhapatnam and presently working as Commissioner, Kakinada Urban Development Authority is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that Sri.K.Subbarao, Former Superintendent, F-Section, Collector's Office, Visakhapatnam and presently working as Commissioner, Kakinada Urban Development Authority is aware of such a representation and that it has been made at his instance and action will be taken against his for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

7. The receipt of the Order be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

G.SAI PRASAD

SPECIAL CHIEF SECRETARY TO GOVERNMENT

To

Sri.K.Subbarao, Former Superintendent, F-Section, Collector's Office, Visakhapatnam and presently working as Commissioner, Kakinada Urban Development Authority (Through the Chief Commissioner of Land Administration, A.P., Mangalagiri for service and to return the served copy with dated acknowledgement immediately (By RPAD))

The Chief Commissioner of Land Administration, A.P., Mangalagiri

Copy to:

The District Collector, Visakhapatnam District

SF/SC

//FORWARDED::BY ORDER//

SECTION OFFICER

ANNEXURE-I

STATEMENT OF ARTICLES OF CHARGE FRAMED AGAINST SRI.K.SUBBARAO, FORMER SUPERINTENDENT, F-SECTION, COLLECTOR'S OFFICE, VISAKHAPATNAM AND PRESENTLY WORKING AS COMMISSIONER, KAKINADA URBAN DEVELOPMENT AUTHORITY.

ARTICLE OF CHARGE - 1:

That, Sri.K.Subbarao, Former Superintendent, F-Section, Collector's Office, Visakhapatnam and presently working as Commissioner, Kakinada Urban Development Authority, involved in the tampering of Revenue Records respect of the lands in Sy.no.367,368,369 & 370 at Madhurawada, Kommadi and Paradesipalem villages in Visakhapatnam Rural which were assigned to the landless poor and subsequently resumed to the Government) by the then MRO, Visakhapatnam Rural mandals collusion with land mafia and tampered the records of 10(1) Register and Collectorate's Register

Thus, Sri.K.Subbarao, Former Superintendent, F-Section, Collector's Office, Visakhapatnam and presently working as Commissioner, Kakinada Urban Development Authority, by his above mentioned acts, has failed to discharge his legitimate duties, showed negligent attitude in protecting the interests of the Government and carelessness in official duties, which is unbecoming of a Government Servant . Thus the individual has violated Rule 3-B of A.P. Civil Services (Conduct) Rules, 1964.

G.SAI PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED::BY ORDER/

SECTION OFFICER

ANNEXURE-II

STATEMENT OF IMPUTATIONS OF MISCONDUCT OR MISBEHAVIOUR IN SUPPORT OF THE ARTICLES OF CHARGE FRAMED AGAINST SRI.K.SUBBARAO, FORMER SUPERINTENDENT, F-SECTION, COLLECTOR'S OFFICE, VISAKHAPATNAM AND PRESENTLY WORKING AS COMMISSIONER, KAKINADA URBAN DEVELOPMENT AUTHORITY.

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1) On the letter written by the Mandal Revenue Officer, Visakhapatnam (Rural) Mandal Dt.10.12.2007 with a request to verify the documents filed by the Writ Petitioners in the W.P. Nos. 13700, 13718, 13719 and 13725 of 2007 with the original settlement records available at the Collectorate & genuineness of those documents i.e., 1) Copies of Rough Pattas (of the four Writ Petitions) 2) Copies of Settlement Faisalayaki Register/MDR (obtained from Collector's Office, Visakhapatnam) and 3) Copy of Settlement of Porambokes and all unoccupied lands (obtained from Collector's Office, Visakhapatnam) and copies of settlement orders may be supplied to the Tahsildar's Office, so as to enable him to pass orders on the claim of the Writ Petitioners as per orders of the Hon'ble High Court, Andhra Pradesh, Hyderabad directing the Tahsildar, Visakhapatnam (Rural) Mandal to consider and dispose the representations of the Writ Petitioners after giving reasonable opportunity.

2) Based on that the Joint Collector & Settlement Officer, Visakhapatnam instructed the Superintendent (F) Section, Collectorate to verify the Settlement order which were recorded in the M.D.R. with original settlement order copies.

3) It is found that at that time the M.D.R. of Madhurawada & Kommadi were sent for scanning to Assistant Director, Survey & Land Record, Visakhapatnam on 20.11.2007 and the same returned on 20.12.2007.

4) Then the Joint Collector, Visakhapatnam instructed the Special Gr. Dy.Collector (L.P.), Visakhapatnam to enquire into the whole issue & submit a comprehensive report within 3 days.

5) Then the Special Gr. Dy.Collector (L.P.), Visakhapatnam conducted enquiry and reported that the M.D.R., of Madhurawada at Collector's Office found to be tampered and manipulated the record at pages 525, 555, 556, 561, 563, 564, 565, and 566.

6) It is also observed that it is a clear case of fraud and the validity of the records should be null & void, pertaining to S.Nos.368 & 369 of Madhurawada Village.

7) On verification of Gilman Register and 10(1) Account of Madhurawada there are discrepancies in the pages covered by the land under question.

8) As per the Government lands register prepared in 1995 the S.No. 367 to 371 have been shown as Government lands (Banjar).

9) The Xerox copies produced by the petitioners from the file D.Dis.No.618/90/HA of Tahsildar's Office, Visakhapatnam (Rural) were fabricated & bogus.

10) After observation of all these points the Tahsildar, Visakhapatnam (Rural) Mandal issued orders in Rc.No.338/04/A/Dt.13.2.2008 stating that the lands under question are Government lands and the documents produced by the petitioners are fabricated and the request of the petitioners to delete the Survey Numbers 368 & 369 from Assignment Register is rejected and the 4 petitioners are liable for prosecution for their illegal & fraudulent methods adopted for grabbing valuable Government lands.

11) The then Collector conducted meeting with all relevant officers and referred the matter for enquiry to the Revenue Divisional Officer, Visakhapatnam & Assistant Director, Survey & Land Records, Visakhapatnam to submit detailed report in Rc.No.5065/2007/Dt.19-04-2009.

12) The then Revenue Divisional Officer, Visakhapatnam reported that "as seen from the settlement pattas, it clearly shows that the lands in question is Zeroithi & the claims over the lands were settled long back ". And he also reported that "the Spl. Gr.Dy.Collector, Land Protection, Visakhapatnam & the Tahsildar, Visakhapatnam (Rural) Mandal not verified the records properly & came to a false conclusion and the Tahsildar passed impugned orders in Rc.No.338/04/A/dt.13.2.2008.

(P.T.O)

13) The Revenue Divisional Officer, Visakhapatnam prepared the parawise remarks accordingly and sent to the Government Pleader for preparing counter in

1)W.P.M.P. No.27259/2009 in W.P.No.20949/2009
2)W.P.M.P. No.27359/2009 in W.P.No.21031/2009
3) W.P.M.P. No.27239/2009 in W.P.No.20930/2009
4) W.P.M.P. No.27238/2009 in W.P.No.20929/2009

14) The Hon'ble High Court issued interim orders dt.25.9.2009 directing the Revenue Divisional Officer, Visakhapatnam to finalize the enquiries independently with regard to deleting the lands of the petitioners in an extent of Ac.3.07Cts., in S.No.368/2, Ac.3.60Cts., in S.No.368/3, Ac.4.00Cts., in S.No.369/1 & Ac.2.87Cts., in S.No.369/2 of Madhurawada Village of Visakhapatnam (Rural) Mandal from the list of assigned lands and to intimate the same to the Registration Department.

15) The Hon'ble High Court, Andhra Pradesh, Hyderabad also issued notice to the respondents in the Writ Petition to show cause why the application of the petitioners should not be complied with.

16) Then the Revenue Divisional Officer, Visakhapatnam requested the District Collector, Visakhapatnam for permission to submit revised parawise remarks as the Government Pleader did not approved the previous parawise remarks as the lands under question are classified as A.W.D. as per M.D.R.,

17) The Revenue Divisional Officer, Visakhapatnam was permitted to prepare revised parawise remarks treating the lands covered by Writ Petition as Government lands. The Revenue Divisional Officer, Visakhapatnam done the same.

18) Matter stood thus, the Petitioners filed Contempt Cases. Counter affidavits were filed by the Tahsildar stating that all the documents filed by the petitioners are fabricated and not genuine.

19) The Hon'ble High Court of A.P., Hyderabad ordered the District Collector, Visakhapatnam to take this case on file and pass appropriate orders after providing an opportunity of hearing to the petitioner, if necessary.

20) Taking all records & documents into consideration the then District Collector, Visakhapatnam rejected the request of the petitioners for deletion of lands from the assignment register of Visakhapatnam (Rural) Mandal in Prodgs., Rc.No.5065/2007/F2/Dt.12.10.2010 & 6.11.2010.

21) The 4 Contempt Cases were devoid of merit & accordingly dismissed.

22) Meanwhile Additional Joint Collector, Visakhapatnam has been appointed as Enquiry Officer for conducting thorough enquiry on the tampering of records in respect of S.Nos.368/2, 368/3, 369/1 and 369/2 of Madhurawada (V) of Visakhapatnam (Rural) Mandal at the offices of Collectorate, Visakhapatnam; The Revenue Divisional Office, Visakhapatnam; The Tahsildar Office, Visakhapatnam (Rural).

23) The Enquiry Officer & Additional Joint Collector, Visakhapatnam submitted his report that " on perusal of records material supplied & thorough verification of file Rc.No.5065/2007/F2 of Collector's Office it clearly shows that Officers/Staff members worked in F-Section, Collector's Office, Visakhapatnam; O/o the Assistant Director, Survey & Land Records, Visakhapatnam; O/o the Revenue Divisional Officer, Visakhapatnam & O/o the Tahsildar, Visakhapatnam (Rural) Mandal from 30.4.2003 to 2007 are responsible for tampering & manipulation of records pertaining to S.No.368/2, 368/3, 369/1 and 369/2 of Madhurawada Village, Visakhapatnam (Rural) Mandal.

24) The Additional Joint Collector & Enquiry Officer, Visakhapatnam also submitted the list of staff worked in F-Section from 30.4.2003 to 2007 and also reported that the particulars will be obtained from the Assistant Director, Survey & Land Records, Visakhapatnam that persons who are responsible for scanning of MDR/SFAs in Assistant Director, Survey & Land Records Office, Visakhapatnam; persons responsible for maintaining Gilman Registers in Revenue Divisional Officer's Office, persons responsible for maintaining the record room in the Tahsildar, Visakhapatnam (Rural) Mandal Office. The Collector, Visakhapatnam instructed the Assistant Director, Survey & Land Records, Visakhapatnam; The Revenue Divisional Officer, Visakhapatnam & The Tahsildar, Visakhapatnam (Rural) Mandal to do the same work.

(Contd..P-3)

25) In the meanwhile, The Government of A.P., Revenue (VIG.II) Department in Memo No. 29223/Vig. II (1)/2010/Dt.26.06.2010 sent a copy of the Vigilance & Enforcement department report for taking necessary action on the recommendations of the Director General, Vigilance & Enforcement Department and intimate the action taken report with regards to Revenue Officials to the Director of General, Vigilance & Enforcement under intimation to the Government.

26) W.P Nos. 18434, 18454, 18455 and 18456 of 2011 filed by Lingam Somasundararao and 3 others of Madhurawada (V) of Visakhapatnam (Rural) Mandal are still pending in the Hon'ble High Court of A.P., Hyderabad.

Basing on the report of the Additional Joint Collector, Visakhapatnam & on the recommendations of the Director General, Vigilance & Enforcement Department, Andhra Pradesh, Hyderabad disciplinary proceedings should be initiated against the individuals who are responsible for tampering the records and accordingly 17 individuals were identified and Sri.K.Subbarao, Former Superintendent, F-Section, Collector's Office, Visakhapatnam and presently working as Commissioner, Kakinada Urban Development Authority is one among them.

Thus, Sri.K.Subbarao, Former Superintendent, F-Section, Collector's Office, Visakhapatnam and presently working as Commissioner, Kakinada Urban Development Authority, by his above mentioned acts, has failed to discharge his legitimate duties, showed negligent attitude in protecting the interests of the Government and carelessness in official duties, which is unbecoming of a Government Servant . Thus the individual has violated Rule 3-B of A.P. Civil Services (Conduct) Rules, 1964

Hence, the charge.

G.SAI PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED::BY ORDER/

SECTION OFFICER

ANNEXURE- III

LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGE FRAMED AGAINST SRI.K.SUBBARAO, FORMER SUPERINTENDENT, F-SECTION, COLLECTOR'S OFFICE, VISAKHAPATNAM AND PRESENTLY WORKING AS COMMISSIONER, KAKINADA URBAN DEVELOPMENT AUTHORITY ARE PROPOSED TO BE SUSTAINED.

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1)CCLA's Memo.No.VSI(1)/2252/202007/09/2021,dt.07.09.2021(received on 25.10.2021)
2) This office Rc.no.1109/2021/A1 dt.28.10.2021
3) UO Note of the Superintendent, F-Section, Collector's Office dt.04.12.2021

G.SAI PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED::BY ORDER/

SECTION OFFICER

ANNEXURE IV

LIST OF WITNESSES BY WHOM THE ARTICLES OF CHARGE FRAMED AGAINST SRI.K.SUBBARAO, FORMER SUPERINTENDENT, F-SECTION, COLLECTOR'S OFFICE, VISAKHAPATNAM AND PRESENTLY WORKING AS COMMISSIONER, KAKINADA URBAN DEVELOPMENT AUTHORITY ARE PROPOSED TO BE SUSTAINED.

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--NIL--

G.SAI PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED::BY ORDER/

SECTION OFFICER